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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 8800.15A**Effective Date: September 01,
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Subject: Real Estate Management Program Implementation Manual

Responsible Office: Facilities Engineering and Real Property Division

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CHAPTER 2. Acquisition of Real Property

2.1. Introduction

The justifiable acquisition of NASA real estate may take the form of many unique real estate instruments. NASA must comply with the provisions of 42 U.S.C. 2473d, which require investigating the use of abandoned and underutilized buildings, grounds, and facilities in depressed communities. The Agency is also required to obtain a Department of Justice title opinion for Federal acquisitions (40 U. S. C. 255). Personnel authorized to take such actions under the provisions of 14 CFR 1204.501, 1204.503, and 1204.504 must first obtain approval from the Director, Facilities Engineering and Real Property Division, Office of Institutional and Corporate Management, NASA Headquarters. Approval is limited to the following acquisition actions:

2.1.1. Signs or accepts delivery of any documents, such as options, deeds (including deeds for assessments and rights of way), transfer instruments, agreements, leases, permits, licenses, rights of entry and amendments, supplements, renewals, or changes thereto, when such signature or acceptance conveys any interest or use rights in Real Property to NASA.

2.1.2. Requests from other Federal agencies to acquire for or transfer to NASA Real Property including any interest and use rights therein.

2.1.3. Submits applications for withdrawals, reservations, and restrictions of public domain lands.

2.1.4. Personnel authorized to take these actions cannot reassign the function except by virtue of succession. This prohibition does not apply to the signing of local receipts for the purpose of accepting custody and accountability of property. However, such receipts are usually signed by the appropriate Installation Real Property Accountable Officer.

2.2. Procedures for Obtaining Approval

2.2.1. Requests for approval to take Real Property acquisition actions will be forwarded to the Director, Facilities Engineering and Real Property Division, NASA Headquarters, by the Center Director. The Director, Facilities Engineering and Real Property Division assumes responsibility for coordinating with and obtaining the concurrence of Strategic Enterprises, Institutional Program Offices, the Capitol Investment Council, and other NASA Senior Management officials as appropriate.

2.2.2. Centers requesting approval for Real Property acquisitions will furnish a detailed justification to allow the determination to be made by NASA Senior Management officials. The following information is normally required to support a Real Property acquisition:

2.2.2.1. Identity and location of required Real Property.

2.2.2.2. Detailed description of property. Attach brochures, maps, charts, drawings, or photos needed in support of

the acquisition.

2.2.2.3. Complete justification for the acquisition. State whether this is the total acquisition needed to meet the requirement in amount of equipment, space, acreage, and duration of occupancy.

2.2.2.4. Proposed utilization. Give square foot allowances per person and per various items of equipment. Account for utilization of all other space. Explain proposed land use in detail.

2.2.2.5. Availability of other sites, both Government and non-Government owned. Give criteria used in site selection. Compare advantages of requested site over sites rejected.

2.2.2.6. Justification of method of acquisition. Compare method proposed with all possible alternatives. If contractor will use facility, compare advantages of NASA acquisition with contractor acquisition.

2.2.2.7. Adverse consequences. Anticipate possible future disadvantages of this acquisition and any means of amelioration.

2.2.2.8. Attitude of community.

2.2.2.9. Attitude of owner. State whether condemnation is a possibility.

2.2.2.10. Plans for staffing.

2.2.2.11. Costs of acquisition. Breakdown costs to show other charges, if any, included. Explain. Include other costs that may be incurred in the foreseeable future such as rehabilitation, alteration, and repair. Identify source of funds.

2.2.2.12. Projection of estimated annual operation and maintenance costs.

2.2.2.13. Additional material or equipment needed. Identify the type and amount of severable or collateral equipment to be acquired either by transfer or purchase for use in conjunction with the Real Property being proposed for acquisition. Explain whether transfer is on a reimbursable or nonreimbursable basis. Include projection of estimated annual costs for operation and maintenance of the equipment.

2.2.2.14. Significant variations, if any, from standard Government Real Property acquisition document.

2.2.2.15. Explanation of how NASA is meeting the requirement at the present time, e.g., prior to the requested acquisition.

2.2.2.16. Evaluation of effect on NASA programs if request is not approved.

2.2.2.17. Proposed timetable and steps in acquisition process. Justify any requirement to adhere to a particular timetable. Give reasons, if any, for unusual steps in acquisition process.

2.2.2.18. Explain any contingencies that would prevent or delay consummation of the acquisition if approved. Explain contingencies that could require reversal of decision to acquire.

2.2.3. For any Real Property acquisition actions proposed or in process, the Center shall ensure that feedback is provided to keep the Director, Facilities Engineering and Real Property Division, fully and currently informed of significant actions or problems related to the acquisition.

2.3. Environmental Consideration

2.3.1 Real Property acquisitions, particularly those involving real estate transactions, shall be coordinated with the Center Environmental Office as early as possible to ensure that environmental requirements and potential liabilities are addressed in accordance with NPD 8800.16. Environmental documentation should include the following:

2.3.1.1. An Environmental Baseline Survey that reviews the operational history of the Real Property to identify potential environmental issues including, but not limited to, hazardous substance activities, equipment containing polychlorinated biphenyls, asbestos containing materials, underground storage tank systems, wetlands, and floodplains. In many cases, required remediation will need to be completed prior to the actual transfer of the property.

2.3.2.2. National Environmental Policy Act documentation to assess potential environmental impacts of the action in accordance with NPR 8840.1. An Environmental Assessment or Environmental Impact Statement may be required.

2.4. Safety Consideration

2.4.1. Real Property acquisitions shall be coordinated with the Center Safety and Mission Assurance (SMA) office as early as possible to ensure that all safety hazards, issues, and concerns have been identified and addressed. Safety documentation should include a Safety Baseline Survey that reviews the operational safety history of the Real Property to identify potential safety hazards and concerns related, but not limited to, facility safety, fire protection, confined space entry, nuclear safety, radiation protection, explosives and pressurized systems. This may result from

reviewing past records of Safety and/or Facility Deficiencies Inspections. In many cases, required abatement actions will need to be completed prior to the actual transfer of the property.

2.5. Consideration of Rural Areas for New Offices and Other Facilities

2.5.1. Section 601 of the Rural Development Act (RDA) of 1972, as amended, 42 U.S.C. 3122 (b), requires Federal agencies to give first priority to the location of new offices and other facilities in rural areas. Rural areas are defined as any areas outside the outer boundary of a city having a population of 50,000 or more and outside that city's immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per square mile.

2.5.1.1. The RDA was established to provide for the planning, financing, and development of facilities and services in rural areas that contribute to making these areas desirable places in which to live and make private and business investments; the planning, development, and expansion of business and industry in rural areas to provide increased employment and income; the planning, development, conservation, and use of land, water, and other natural resources of rural areas to maintain or enhance the quality of the environment for people and business in rural areas; and processes and procedures that have said objectives as their major purpose.

2.5.1.2. The RDA is applicable to NASA offices, buildings, other structures and facilities, and locations assigned to NASA by the General Services Administration where NASA personnel will be housed or perform their official duties on a full-time basis.

2.5.1.3. If new NASA facilities are to be located in an other than rural area, a basis for exclusion or an adequate justification for an exception to the requirement must be provided in the acquisition request. The following circumstances provide a basis for exclusion of consideration from the RDA:

2.5.2.1. Vacant site acquisitions for which no construction contracts are contemplated.

2.5.2.2. Additions to or changes in presently occupied offices or other facilities if program is unchanged.

2.5.2.3. Offices or other facilities acquired for temporary occupancy of less than 1 year.

2.5.2.4. Lease renewals.

2.5.3. In the absence of a basis for exclusion, requests for the acquisition of Real Property or interests therein must include information required to justify an exception to the requirements of the RDA. This information should include the following:

2.5.3.1. Reasons why office or other facility must be located at chosen site. If the chosen site is to be approved, these reasons must be strong enough to override the requirement that first priority be given to locating in rural areas.

2.5.3.2. Efforts made to locate in a rural area.

2.5.3.3. Effects on project or program if location is changed to a rural area.

2.5.3.4. Scheduled date for signature of the lease, contract to buy, or construction contract; for assignment of space by the General Services Administration; or for filing of a condemnation action.

2.5.3.5. Total number of employees expected to be at the new location when fully staffed. Give breakdown to include local hires and contractor personnel.

2.5.4. When information intended to justify an exception is submitted with an acquisition, the Director, Facilities Engineering and Real Property Division, Office of Institutional and Corporate Management, in consultation with other management officials and staff members as may be appropriate, will decide whether considerations are present that will override the requirement to locate in a rural area. The office requesting the exception will then be notified of the decision.

2.6. Consideration of Uniform Relocation Assistance

2.6.1. The Department of Transportation has promulgated the rule entitled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs" in 49 CFR Part 24, which is also referenced by NASA regulations in 14 CFR Part 1208. This rule requires that fair, consistent, and equitable treatment be provided to owners of Real Property to be acquired for Federal or federally assisted programs, as well as to persons displaced from their dwellings, businesses, or farms as a result of such acquisition.

2.6.2. Accordingly, if privately held Real Property is proposed to be acquired, then the request for acquisition must be accompanied by a justification of the proposed action, along with supporting documentation, including documentation that NASA legal counsel concurs in the proposed action.

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